

**REMARKS**

Applicants respectfully request reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

Claims 1, 10, 12 and 15 are currently being amended. The amendment to claim 10 corrects a misspelling without changing its scope.

Claim 4 has been cancelled without prejudice or disclaimer. New claims 21 and 22 have been added.

This amendment adds, changes and/or deletes claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier.

After amending the claims as set forth above, claims 1-3 and 15-22 are now pending in this application.

Claim 1 has been amended to further clarify the invention. Support for claim 1 can be found at least in original claim 4, and paragraphs 21-23 of the specification. As disclosed in the table of paragraph 21, the commercial name of the polyamide suitable as a filler in the present invention is Orgasol®. Orgasol® is produced by Atofina and is a lauryllactum polymer or a caprolactum polymer, or a copolymer of these lactums. Thus, the amendment to claim 1 is fully supported by the disclosure as originally filed. New claims 21 and 22 find support in original claims 17 and 18.

The finality of the restriction requirement is noted. Applicants nevertheless reserve the right to request a rejoinder of the non-elected claims upon allowance of the elected claims. Applicants especially note that newly added method claims contain all the limitations of allowable claim 12, and are likewise *prima facie* allowable.

**Allowable subject matter**

Applicants appreciate the indication that claims 12-15 contain allowable subject matter. Claims 12 and 15 have been rewritten in independent form, to place them and dependent claims 13-14 into *prima facie* condition for allowance.

## Rejections under 35 U.S.C. § 102

Claims 1-9 stand rejected under 35 U.S.C. 102(b) as being unpatentable over U.S. Patent No. 5,242,739 to Kronzer et al. (hereafter "Kronzer"). Claims 1-11 stand rejected under 35 U.S.C. 102(a) as being unpatentable over U.S. Patent No. 6,087,061 to Hare et al. (hereafter "Hare") as evidenced by Kronzer. Applicants respectfully traverse these rejections for at least the following reasons.

Independent claim 1 is directed to a system for transfer of images produced by an ink jet printer to a textile substrate. In this regard, the system comprises a backing material, and at least one melt transfer ink absorption layer. The melt transfer ink absorption layer has a matrix comprising at least one meltable polymer material into which fine particles of a filler capable of ink jet printer ink absorption have been embedded. Claim 1, as amended, clarifies that the filler is selected from organic and inorganic materials and comprises at least one of formaldehyde resins, melamine-formaldehyde resins, polyacrylates, polymethacrylates, polyurethanes, crosslinked polyvinylpyrrolidone, polyamides, silicon dioxide,  $\text{Al}_2\text{O}_3$ ,  $\text{TiO}_2$ ,  $\text{BaSO}_4$ , and aluminosilicates, wherein the polyamides are one of lauryllactum polymers, caprolactum polymers, and combinations thereof.

As mentioned above, the present invention is directed to a system for transfer of images produced by an ink jet printer to a textile substrate. By contrast, Kronzer and Hare are drawn to images made by wax-based crayons, thermal ribbon printers, impact ribbon or dot-matrix printers (see e.g., Kronzer, col. 3, lines 44-49). The receptivity properties required for receiving images on wax-based crayons, thermal ribbon printers, impact ribbon or dot-matrix printers are quite different from those for receiving ink jet-printed images, namely, the receptivity for receiving ink jet-printed images is much higher.

Because of the different receptivity properties, the materials used to receive the images are fundamentally different for the Kronzer and Hare systems as compared to those presently recited in claim 1. Kronzer and Hare fail to disclose any of the same materials for a filler material as compared to those recited in claim 1. Kronzer and Hare disclose polyolefins, polyesters, polyamides, waxes, epoxypolymers, ethylene-acrylic acid polymers, and ethylene-vinyl acetate copolymers. In claim 1, by contrast, the filler is selected from organic and inorganic materials and comprises at least one of formaldehyde resins, melamine-formaldehyde resins, polyacrylates, polymethacrylates, polyurethanes, crosslinked polyvinylpyrrolidone, polyamides, silicon dioxide,  $\text{Al}_2\text{O}_3$ ,  $\text{TiO}_2$ ,  $\text{BaSO}_4$ , and aluminosilicates. Moreover, while Kronzer and Hare disclose polyamide, they fail to suggest the particular

polyamide as recited in claim 1, which is particularly suitable for absorbing ink jet printer inks. Claim 1, as amended, clarifies that the polyamide as recited is one of lauryllactum polymers, caprolactum polymers, and combinations thereof. Thus, Kronzer and Hare, directed to systems for receiving images on wax-based crayons, thermal ribbon printers, impact ribbon or dot-matrix printers, instead of receiving ink jet-printed images, also fail to disclose any of the filler materials recited in claim 1.

Moreover, because the systems of Kronzer and Hare are fundamentally different from ink jet-printed image systems as claimed, it would not have been obvious to modify the Kronzer and Hare filler materials to arrive at the presently claimed invention.

For at least the above reasons, claim 1 is patentable over Kronzer and Hare. Claims 2-3 and 5-11 ultimately depend from claim 1, and are patentable for at least the same reasons, as well as for further patentable features recited therein. As noted above, claims 12-15 as well as newly added claims 21 and 22 are *prima facie* in condition for allowance.

Applicants believe that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0471. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0471. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. § 1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0471.

Respectfully submitted,

Date August 28, 2003 By Thomas G. Bilodeau

FOLEY & LARDNER  
Customer Number: 22428



22428

PATENT TRADEMARK OFFICE

Telephone: (202) 672-5414  
Facsimile: (202) 672-5399

Thomas G. Bilodeau  
Attorney for Applicant  
Registration No. 43,438